IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8108 of 2003

Between:

M/s. Twin cities Hotels (P) Ltd.,

Rep. By its Managing Director,

V.Srinivasa Reddy S/o Sri. V.Chenna Reddy,

Aged about 47 years, Occ:Business,

R/o 3-3-67, Lingampally X Roads, Kachiguda,

Hyderabad.

..... PETITIONER

AND

1. The Government of India, Rep. By its Secretary,

Finance and Planning Department, New Delhi.

2. The Prudential Co.op Bank Limited,

8-1-381, Rashtrapathi Road, Secunderabad-3.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate direction, declaring the impugned notice dated 13.03.2003 issued by the 2nd respondent under provisions of Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act as illegal, arbitrary, violative of principles of natural justice and also violative of the basic principle of rule of law and fundamental rights guaranteed under Constitution of India and set aside the same as the said provisions of Section 13 of the Act as ultra virus and unconstitutional.

Counsel for the Petitioner: MR.K.V.JAGAN MOHAN REDDY

Counsel for respondent No.1: SC for Central Government

Counsel for the Respondent No.2: MR.S.ASHOK ANAND KUMAR

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ

G.ROHINI, J

17th June, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Government of India, Rep. By its Secretary,

Finance and Planning Department, New Delhi.

2. 2CD copies

3. The Prudential Co.op Bank Limited,

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